

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELEMICA, INC.,

Plaintiff/Counter-Defendant,

v.

ECMARKET INC. d/b/a CONEXIOM INC.,

Defendant/Counter-Plaintiff.

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) Case No. 1:21-cv-893-SB
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**PLAINTIFF/COUNTER-DEFENDANT ELEMICA, INC.’S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff/Counter-Defendant Elemica, Inc. (“Elemica” or “Plaintiff/Counter-Defendant”), by its attorneys, hereby submits its Motion for Summary Judgment against Defendant/Counter-Plaintiff ecMarket Inc. (“ecMarket” d/b/a “Conexiom” or “Defendant/Counter-Plaintiff”). Plaintiff respectfully submits it is entitled to summary judgment on the following issues:

1. Defendant/Counter-Plaintiff’s defamation *per se* counterclaim
2. Defendant/Counter-Plaintiff’s breach of contract counterclaim

These grounds are set forth more fully in the accompanying Opening Brief in Support of its Motion for Summary Judgment on Breach of Contract and Defamation and the accompanying exhibits filed in support of this Motion.

Date Filed: April 10, 2024

PANITCH SCHWARZE BELISARIO &
NADEL LLP

/s/ John D. Simmons

OF COUNSEL:

Stephen E. Murray (admitted *pro hac vice*)
PANITCH SCHWARZE BELISARIO &
NADEL LLP
Two Commerce Square
2001 Market Street, Suite 2800
Philadelphia, PA 19103
smurray@panitchlaw.com

John D. Simmons (#5996)
Keith A. Jones (#7011)
Dennis J. Butler (#5981)
Ava E. Lutz (admitted *pro hac vice*)
Wells Fargo Tower
2200 Concord Pike, Suite 201
Wilmington, DE 19803
Telephone: (302) 394-6001
Facsimile: (215) 965-1331
jsimmons@panitchlaw.com
kjones@panitchlaw.com
dbutler@panitchlaw.com
alutz@panitchlaw.com

***Counsel for Plaintiff/Counter-Defendant
Elemica, Inc.***

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[PROPOSED] ORDER

Having considered PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT, it is hereby ORDERED this ____ day of _____, 2024 that the Motion is GRANTED.

UNITED STATES CIRCUIT JUDGE